

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV276-1-W
3:05CR97

DEJUAN WALKER,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court upon its own motion.

On July 6, 2008, Petitioner filed an unsigned Motion to Vacate, Set Aside, or Correct Sentence. On August 25, 2009, this Court ordered Petitioner to submit a signed copy of his Motion to Vacate to the Court within ten days. The deadline passed and the Court did not receive a signed copy of Petitioner's Motion to Vacate. Consequently, on September 21, 2009, the Court dismissed Petitioner's Motion to Vacate.

On September 28, 2009, Petitioner filed a document with the Court stating that he had mailed a signed copy to this Court on September 2, 2009. In support of his assertion he attached a copy of the prison mail log which indicates that he did mail a document to this Court on that date. The Court, as indicated by the docket sheet, however, has never received the signed copy Petitioner's Motion to Vacate.¹ As it appears that Petitioner attempted to comply with this Court's August 25, 2009, Order, the Court will provide Petitioner one last opportunity to submit

¹ The log sheet indicates that Petitioner used a 28208 zip code for the Court. The Court's zip code is 28202.

a signed copy of his Motion to Vacate.

Upon the timely receipt of a signed copy of the Motion to Vacate, the Clerk will reopen Petitioner's habeas case. Upon the reopening of the habeas case, the Court directs that the United States Attorney should file an Answer detailing Petitioner's allegations and responding to each. **In particular, the Government is ordered to give careful consideration to Petitioner's claim regarding his career offender status.**


THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner has fifteen (15) days from the filing of this Order in which to submit a copy of his Motion to Vacate signed under the penalty of perjury;

2. Upon receipt of a signed copy of Petitioner's Motion to Vacate, the Clerk is directed to reopen Petitioner's habeas case and forward a copy of the Motion to Vacate to the Government; and

3. No later than forty (40) days from the receipt of a copy of the Motion to Vacate, the United States Attorney shall file an Answer to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, detailing Petitioner's allegations and responding to each.

Signed: November 6, 2009


Frank D. Whitney
United States District Judge

